

THURSDAY, APRIL 8, 2010

SEVENTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Dr. Poly Rouse of Hermitage Hills Baptist Church in Hermitage, Tennessee, a guest of Senator Beavers.

PLEDGE OF ALLEGIANCE

Senator Beavers led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 194 with amendment, 399 with amendment, 1444 with amendment, 2033 with amendment, 2488 with amendment, 3274, 3392 with amendment, 3402, 3689 with amendment, 3690 with amendment, 3727 and 3774; Senate Joint Resolution No. 886; and House Joint Resolution No. 906; also, recommend that Senate Bills Nos. 2839 with amendment, 3174 with amendment, 3250 with amendment, 3294 with amendment, 3526, 3626 and 3687 be referred to Committee on Finance, Ways and Means.

KETRON, Chairperson
April 7, 2010

The Speaker announced that he had referred Senate Bills Nos. 194 with amendment, 399 with amendment, 1444 with amendment, 2033 with amendment, 2488 with amendment, 3274, 3392 with amendment, 3402, 3689 with amendment, 3690 with amendment, 3727 and 3774; Senate Joint Resolution No. 886; and House Joint Resolution No. 906 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2839 with amendment, 3174 with amendment, 3250 with amendment, 3294 with amendment, 3526, 3626 and 3687 to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2552, 2832 with amendment, 3065, 3290 with amendment, 3346 and 3540; and Senate Joint Resolution No. 897; also, recommend that Senate Bills Nos. 3094 with amendment and 3317 with amendment be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 7, 2010

The Speaker announced that he had referred Senate Bills Nos. 2552, 2832 with amendment, 3065, 3290 with amendment, 3346 and 3540; and Senate Joint Resolution No. 897 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 3094 with amendment and 3317 with amendment to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1142 with amendment, 1472 with amendment, 1473 with amendment, 2198 with amendment, 2482, 2815, 2899, 2938 with amendment, 3255, 3257 with amendment, 3268 with amendment, 3275, 3321, 3432 with amendment, 3449 with amendment, 3680 with amendment, 3693 with amendment and 3875 with amendment; Senate Joint Resolution No. 798; and House Joint Resolution No. 961; also, recommend that Senate Bills Nos. 981 with amendment, 1649, 2407 with amendment, 3125 with amendment and 3630 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
April 7, 2010

The Speaker announced that he had referred Senate Bills Nos. 1142 with amendment, 1472 with amendment, 1473 with amendment, 2198 with amendment, 2482, 2815, 2899, 2938 with amendment, 3255, 3257 with amendment, 3268 with amendment, 3275, 3321, 3432 with amendment, 3449 with amendment, 3680 with amendment, 3693 with amendment and 3875 with amendment; Senate Joint Resolution No. 798; and House Joint Resolution No. 961 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 981 with amendment, 1649, 2407 with amendment, 3125 with amendment and 3630 with amendment to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 193, 2506, 2651, 3095, 3282 and 3588** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

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House Bill No. 193 -- Railroads -- As introduced, requires every railroad operating trains within the state to notify the Commissioner of Transportation of the name, address, and telephone number of its registered agent for service of process. Amends TCA Title 7.

House Bill No. 2506 -- Criminal Offenses -- As introduced, creates new criminal offenses prohibiting felon from possessing a radio capable of receiving emergency voice transmissions; a person possessing such a radio during commission of crime; and person using information from radio to facilitate felony or interfere with emergency transmissions. Amends TCA Title 39, Chapter 13, Part 6.

House Bill No. 2651 -- Medical Occupations -- As introduced, enacts the Colby Stansberry Act to regulate the release of medical or hospital records only upon the informed consent of the patient or the patient's authorized representative. Amends TCA Title 63, Chapter 2, Part 1 and Title 68, Chapter 11, Part 15.

House Bill No. 3095 -- Employees, Employers -- As introduced, allows employers to pay employees via electronic automated fund transfer into an account in the name of the employee or by credit to a prepaid debit card from which the employee is able to withdraw or transfer funds. Amends TCA Section 50-2-103.

House Bill No. 3282 -- DUI/DWI Offenses -- As introduced, allows general sessions court to determine whether a person charged with DUI also violated the implied consent law rather than requiring implied consent cases to be heard by court determining the DUI. Amends TCA Title 55, Chapter 10.

House Bill No. 3588 -- Property -- As introduced, requires that the lender, trustee, or other creditor send the debtor a notice of the right to foreclose prior to the first publication of a notice of a foreclosure sale of a deed of trust, mortgage, or other lien securing the payment of money or other thing of value on an owner-occupied residence. Amends TCA Titles 35 and 45.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3948** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 3948 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 934 through 964**; and **Senate Resolution No. 209** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 934 by Senators Watson and Bunch.
Memorials, Retirement -- Jim Morgan.

Senate Joint Resolution No. 935 by Senator Yager.
Memorials, Academic Achievement -- Rachel Elizabeth West, Valedictorian, Scott High School.

Senate Joint Resolution No. 936 by Senator Yager.
Memorials, Academic Achievement -- Shana Martin, Valedictorian, Scott High School.

Senate Joint Resolution No. 937 by Senator Yager.
Memorials, Academic Achievement -- Marcus Allen Neal, Valedictorian, Scott High School.

Senate Joint Resolution No. 938 by Senator Yager.
Memorials, Academic Achievement -- Brittany Black, Valedictorian, Scott High School.

Senate Joint Resolution No. 939 by Senator Yager.
Memorials, Academic Achievement -- Jennifer Casey, Valedictorian, Scott High School.

Senate Joint Resolution No. 940 by Senator Yager.
Memorials, Academic Achievement -- Latesha Cummins, Valedictorian, Scott High School.

Senate Joint Resolution No. 941 by Senator Yager.
Memorials, Academic Achievement -- Dru Jacob Bradley, Valedictorian, Scott High School.

Senate Joint Resolution No. 942 by Senator Yager.
Memorials, Academic Achievement -- Arvis Gary Blakley, Valedictorian, Scott High School.

Senate Joint Resolution No. 943 by Senator Yager.
Memorials, Academic Achievement -- William Conatser, Valedictorian, Scott High School.

Senate Joint Resolution No. 944 by Senators Johnson and Henry.
Memorials, Retirement -- Edna Holland.

Senate Joint Resolution No. 945 by Senator Yager.
Memorials, Academic Achievement -- Rachel Cross, Valedictorian, Scott High School.

Senate Joint Resolution No. 946 by Senator Yager.
Memorials, Academic Achievement -- Lindsay Goodman, Valedictorian, Scott High School.

Senate Joint Resolution No. 947 by Senator Yager.
Memorials, Academic Achievement -- Whitney Phillips, Valedictorian, Scott High School.

Senate Joint Resolution No. 948 by Senator Yager.
Memorials, Academic Achievement -- Jeremy Skyler Smith, Salutatorian, Scott High School.

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Senate Joint Resolution No. 949 by Senator Beavers.

Memorials, Recognition -- Town of Gordonsville, 100th anniversary.

Senate Joint Resolution No. 950 by Senators Gresham and Finney.

Memorials, Death -- Anna Nicole Pirtle.

Senate Joint Resolution No. 951 by Senator Herron.

Memorials, Academic Achievement -- Steven Allen Rimmer, Salutatorian, Stewart County High School.

Senate Joint Resolution No. 952 by Senator Herron.

Memorials, Academic Achievement -- Katie Bivens, Salutatorian, South Fulton High School.

Senate Joint Resolution No. 953 by Senator Herron.

Memorials, Academic Achievement -- Sarah Nicole Gammon, Valedictorian, South Fulton High School.

Senate Joint Resolution No. 954 by Senator Herron.

Memorials, Academic Achievement -- Christina Ying En Wu, Valedictorian, Stewart County High School.

Senate Joint Resolution No. 955 by Senator Herron.

Memorials, Death -- Eunice Mitchell Clark.

Senate Joint Resolution No. 956 by Senator Kyle.

Memorials, Academic Achievement -- Antoinette Edwards, Valedictorian, Trezevant High School.

Senate Joint Resolution No. 957 by Senator Kyle.

Memorials, Academic Achievement -- April Porter, Salutatorian, Ridgeway High School.

Senate Joint Resolution No. 958 by Senator Kyle.

Memorials, Academic Achievement -- Aaron Geovanny Bernadac, Valedictorian, Craigmont High School.

Senate Joint Resolution No. 959 by Senator Kyle.

Memorials, Academic Achievement -- Arthur Keith Goodell, Salutatorian, Craigmont High School.

Senate Joint Resolution No. 960 by Senator Kyle.

Memorials, Academic Achievement -- Max Win Cohen Fargotstein, Valedictorian, Ridgeway High School.

Senate Joint Resolution No. 961 by Senator Kyle.

Memorials, Academic Achievement -- Atlanta Edwards, Valedictorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 962 by Senator Kyle.

Memorials, Academic Achievement -- Bianca Denise Cooper, Salutatorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 963 by Senator Kyle.

Memorials, Academic Achievement -- Markesha Tiera Jones, Valedictorian, Northeast Prep Academy.

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Senate Joint Resolution No. 964 by Senator Kyle.

Memorials, Academic Achievement -- Angela Smith, Salutatorian, Northeast Prep Academy.

Senate Resolution No. 209 by Senator Harper.

Memorials, Death -- Carol Fay Ellison.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 1010 through 1015, 1017, 1018, 1020 and 1023**; and **Senate Joint Resolutions Nos. 923 through 933** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 1010 -- Memorials, Academic Achievement -- Victoria Ann Pierpont, Valedictorian, Big Sandy High School.

The Speaker announced that he had referred House Joint Resolution No. 1010 to the Committee on Calendar.

House Joint Resolution No. 1011 -- Memorials, Academic Achievement -- Charles Kelby Snow, Salutatorian, Big Sandy High School.

The Speaker announced that he had referred House Joint Resolution No. 1011 to the Committee on Calendar.

House Joint Resolution No. 1012 -- Memorials, Academic Achievement -- Christina Ying En Wu, Valedictorian, Stewart County High School.

The Speaker announced that he had referred House Joint Resolution No. 1012 to the Committee on Calendar.

House Joint Resolution No. 1013 -- Memorials, Academic Achievement -- Steven Allen Rimmer, Salutatorian, Stewart County High School.

The Speaker announced that he had referred House Joint Resolution No. 1013 to the Committee on Calendar.

House Joint Resolution No. 1014 -- Memorials, Academic Achievement -- Heather Alyssa Kee, Salutatorian, Camden Central High School.

The Speaker announced that he had referred House Joint Resolution No. 1014 to the Committee on Calendar.

House Joint Resolution No. 1015 -- Memorials, Academic Achievement -- Tyler Leslie Curtis, Valedictorian, Camden Central High School.

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The Speaker announced that he had referred House Joint Resolution No. 1015 to the Committee on Calendar.

House Joint Resolution No. 1017 -- Memorials, Retirement -- Wayne Dean.

The Speaker announced that he had referred House Joint Resolution No. 1017 to the Committee on Calendar.

House Joint Resolution No. 1018 -- Memorials, Death -- Geneva Mashburn.

The Speaker announced that he had referred House Joint Resolution No. 1018 to the Committee on Calendar.

House Joint Resolution No. 1020 -- Memorials, Heroism -- Dalton Wix.

The Speaker announced that he had referred House Joint Resolution No. 1020 to the Committee on Calendar.

House Joint Resolution No. 1023 -- Memorials, Death -- Alex Chilton.

The Speaker announced that he had referred House Joint Resolution No. 1023 to the Committee on Calendar.

Senate Joint Resolution No. 923 -- Memorials, Professional Achievement -- Hamilton County's Teachers of the Year, Linda McMurray, John Echols, and Joey Gaby.

The Speaker announced that he had referred Senate Joint Resolution No. 923 to the Committee on Calendar.

Senate Joint Resolution No. 924 -- Memorials, Interns -- Clarence C. Dickson.

The Speaker announced that he had referred Senate Joint Resolution No. 924 to the Committee on Calendar.

Senate Joint Resolution No. 925 -- Memorials, Recognition -- 4-H in Tennessee, 100th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 925 to the Committee on Calendar.

Senate Joint Resolution No. 926 -- Memorials, Sports -- Jackson County High School girls basketball team, Class A State Champions.

The Speaker announced that he had referred Senate Joint Resolution No. 926 to the Committee on Calendar.

Senate Joint Resolution No. 927 -- Highway Signs -- "William Benson "Ben" Wooten II Memorial Highway", segment of State Route 53 in Gainesboro and Jackson County.

The Speaker announced that he had referred Senate Joint Resolution No. 927 to the Committee on Transportation.

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Senate Joint Resolution No. 928 -- Memorials, Interns -- Sarah N. O'Donohue.

The Speaker announced that he had referred Senate Joint Resolution No. 928 to the Committee on Calendar.

Senate Joint Resolution No. 929 -- Memorials, Death -- Claude P. "Bud" Knowles, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 929 to the Committee on Calendar.

Senate Joint Resolution No. 930 -- Memorials, Recognition -- Don Farmer, 2009 Trustee of the Year Award, Tennessee Library Association.

The Speaker announced that he had referred Senate Joint Resolution No. 930 to the Committee on Calendar.

Senate Joint Resolution No. 931 -- Highway Signs -- "Dr. Andy Holt Highway", U.S. Highway 70A/79 between Humboldt and Milan in Gibson County.

The Speaker announced that he had referred Senate Joint Resolution No. 931 to the Committee on Transportation.

Senate Joint Resolution No. 932 -- Memorials, Death -- Ray McElhaney.

The Speaker announced that he had referred Senate Joint Resolution No. 932 to the Committee on Calendar.

Senate Joint Resolution No. 933 -- Memorials, Professional Achievement -- Allen Dale Davis, John Bond Administrator of the Year Award.

The Speaker announced that he had referred Senate Joint Resolution No. 933 to the Committee on Calendar.

MOTION

Senator Henry moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 944**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 944 -- Memorials, Retirement -- Edna Holland.

On motion of Senator Henry, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 944** was adopted.

MOTION

Senator McNally moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 3431** on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 13, 2010, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE

April 7, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2813, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2587, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2859, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3583, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 7, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2216, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 911 -- Memorials, Sports -- Gibson County High School girls basketball team, Class AA State Champions.

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Senate Joint Resolution No. 912 -- Memorials, Death -- Geneva Mashburn.

House Joint Resolution No. 975 -- Memorials, Recognition -- Putnam County Farm Bureau, Farm Day.

House Joint Resolution No. 976 -- Memorials, Recognition -- Mini Burger, 40th anniversary.

House Joint Resolution No. 977 -- Memorials, Professional Achievement -- Laura Maynard, Northeast Elementary School Teacher of the Year.

House Joint Resolution No. 978 -- Memorials, Professional Achievement -- Brian Chambers, Cornerstone Middle School Teacher of the Year.

House Joint Resolution No. 979 -- Memorials, Professional Achievement -- Eunesa Harris, Baxter Elementary School Teacher of the Year.

House Joint Resolution No. 980 -- Memorials, Professional Achievement -- Nicole Brim, Park View Elementary School Teacher of the Year.

House Joint Resolution No. 981 -- Memorials, Professional Achievement -- Mitzi Hanson, Jere Whitson Elementary School Teacher of the Year.

House Joint Resolution No. 982 -- Memorials, Professional Achievement -- Megan Ratley, Cane Creek Elementary School Teacher of the Year.

House Joint Resolution No. 983 -- Memorials, Professional Achievement -- Hunter Zanardi, Algood Elementary School Teacher of the Year.

House Joint Resolution No. 984 -- Memorials, Professional Achievement -- Tammy Schmid, Upperman High School Teacher of the Year.

House Joint Resolution No. 985 -- Memorials, Professional Achievement -- Jennifer Briggs, Prescott Central Middle School Teacher of the Year.

House Joint Resolution No. 986 -- Memorials, Professional Achievement -- Casey Garrison, Avery Trace Middle School and System Teacher of the Year.

House Joint Resolution No. 987 -- Memorials, Professional Achievement -- Kendra Johnson, Capshaw Elementary School and System Teacher of the Year.

House Joint Resolution No. 988 -- Memorials, Professional Achievement -- Tamara Tribble, Sycamore Elementary School Teacher of the Year.

House Joint Resolution No. 989 -- Memorials, Professional Achievement -- Misty Waller, Cookeville High School and System Teacher of the Year.

House Joint Resolution No. 991 -- Memorials, Recognition -- Boy Scout Troop 129, 65th anniversary.

House Joint Resolution No. 993 -- Memorials, Personal Achievement -- Mary Elizabeth Colton, Girl Scout Gold Award.

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House Joint Resolution No. 994 -- Memorials, Retirement -- Eileen Bernstorf.

House Joint Resolution No. 995 -- Memorials, Academic Achievement -- Zachary McCoy, Top Ten Student, Peabody High School.

House Joint Resolution No. 996 -- Memorials, Recognition -- Corinthian Lodge # 414, F. & A.M., 140th anniversary.

House Joint Resolution No. 997 -- Memorials, Recognition -- Donelson High School, 40th anniversary.

House Joint Resolution No. 998 -- Memorials, Sports -- Clarksville Academy boys basketball team, State Champions.

House Joint Resolution No. 999 -- Memorials, Academic Achievement -- Clinton Ray McKelvey, Salutatorian, Maryville High School.

House Joint Resolution No. 1000 -- Memorials, Academic Achievement -- Carson Reid Davis, Valedictorian, Maryville High School.

House Joint Resolution No. 1001 -- Memorials, Professional Achievement -- Alderman Mike Arnold, 2009 Municipal Legislator of the Year.

House Joint Resolution No. 1002 -- Memorials, Recognition -- Hailey Killen, 1st place, Tar Wars Poster Contest.

House Joint Resolution No. 1003 -- Memorials, Recognition -- Maxey Gilleland.

House Joint Resolution No. 1004 -- Memorials, Death -- Sergeant Dillon Black Foxx, United States Army.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 2767 -- Education -- As introduced, requires State Board of Education and Commissioner of Labor and Workforce Development to study appropriately integrating geographic information systems technology in curricula for career and technical education and report to the House and Senate Education Committees by March 1, 2011. Amends TCA Title 4; Title 49 and Title 50.

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Senate Bill No. 3686 -- Taxes, Assessment -- As introduced, clarifies that under present law regarding the classification and assessment of property taxes relating to public utilities, a motor bus and/or truck company owning or leasing real or personal property located in the state would include those owner operators who operate under such motor bus and/or truck company's motor carrier authority. Amends TCA Title 67.

Senate Joint Resolution No. 715 -- Memorials, Congress -- Requests Congress to submit to the states for ratification an amendment to the U.S. Constitution prohibiting unfunded federal mandates and programs except during declared fiscal emergency.

Senate Joint Resolution No. 761 -- Memorials, Congress -- Urges Congress to include the City of Oak Ridge in all considerations of The Manhattan Project National Historical Park Study Act.

House Joint Resolution No. 754 -- General Assembly, Statement of Intent or Position -- Pledges support for development of Corridor K highway project.

Senator Faulk moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

PRESENTATION

Senator Kyle introduced Mr. Michael Heisley and members of the Memphis Grizzlies to the Senate.

MOTION

Senator Finney moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1040**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1040 -- Memorials, Recognition -- Lane College Student Health Ambassadors, Meharry Medical College's Historically Black Colleges and Universities Wellness Project Competition Champions.

On motion of Senator Finney, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1040** was concurred in.

CALENDAR

Senate Bill No. 2643 -- Highway Signs -- As introduced, "Luther Masingill Parkway", segment of Broad Street (U.S. 11 & 72) in Chattanooga.

Senate Bill No. 2643 passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

MOTION

Senator Harper moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 209**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 209 -- Memorials, Death -- Carol Fay Ellison.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 209** was adopted.

CALENDAR

Senate Bill No. 3843 -- Insurance Companies, Agents, Brokers, Policies -- As introduced, specifies that an insurer whose license is revoked or suspended for certain violations will not be considered an unauthorized insurer for policies written while the company was operating with a certificate of authority that was neither revoked nor suspended; increases from \$1,000 to \$10,000 the maximum authorized penalty imposed against persons regulated by the division of regulatory boards for certain violations. Amends TCA Title 56.

Senator Tracy declared Rule 13 on **Senate Bill No. 3843**.

Senator Ketron declared Rule 13 on **Senate Bill No. 3843**.

Senator Ford declared Rule 13 on **Senate Bill No. 3843**.

Senator Stewart declared Rule 13 on **Senate Bill No. 3843**.

Senator Johnson declared Rule 13 on **Senate Bill No. 3843**.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-120(a)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(a)(1) Notwithstanding any law, rule, or regulation to the contrary, whenever any policy of insurance issued in this state provides for coverage of health care rendered by a provider covered under Title 63, the insured or other persons entitled to benefits under the policy shall be entitled to assign these benefits to the health care provider and such rights must be stated clearly in the policy. Notice of the assignment must be in writing to the insurer in order to be effective; however, such notice can be provided by other means if it is so stated in the policy.

SECTION 2. Tennessee Code Annotated, Section 56-7-120, is amended by adding a new subsection (c) as follows:

(c)(1) For purposes of this subsection a "participating health care facility" shall mean a health care facility that has a current contract provider agreement with the insured's insurer, and a "non-participating facility-based physician" shall mean a physician:

(A) To whom a participating health care facility has granted clinical privileges;

(B) Who provides services to patients of the participating health care facility pursuant to those clinical privileges; and

(C) Who does not have a current contract provider agreement with the insured's insurer.

(2) Unless the following conditions set out in this subdivision (c)(2) are satisfied, an insured's assignment of benefits pursuant to subsection (a) may be disregarded by an insurer if the assignment of benefits is to a non-participating facility-based physician:

(A) The health care facility provides written notice to the insured that:

(i) Informs the insured that the non-participating facility-based physician may not have a current contract provider agreement with the insured's insurer; and

(ii) Informs the insured that he or she may receive a bill for medical services from the non-participating facility-based physician for the amount unpaid by the insured's insurer;

(B) The notice required by this subdivision (c)(2)(A) shall be provided to the insured, or the insured's personal representative, prior to when the insured first receives services from the non-participating

facility-based physician. In circumstances where the insured is receiving emergency medical services or is incapacitated or unconscious at the time of receiving such services, the notice will not be required if the provisions of that notice will be in contravention of the provisions of the federal EMTALA laws, codified in 42 U.S.C. § 1395. The failure of the health care facility to provide the notice required by subdivision (c)(2)(A) shall not give rise to any right of indemnification or private cause of action against the health care facility by any non-participating facility-based physician for an insurer's disregard of an insured's assignment of benefits unless the health care facility's failure to provide such notice is due to willful or wanton misconduct of an agent of the health care facility; and

(C) The non-participating facility-based physician provides the insured a billing statement that:

(i) Contains an itemized listing of the services and supplies provided along with the dates the services and supplies were provided;

(ii) Contains a conspicuous, plain language explanation that:

(a) The non-participating facility-based physician does not have a current contract provider agreement with the insured's insurer; and

(b) The insurer has paid a rate, as determined by the insurer, that is below the non-participating facility-based physician's billed amount;

(iii) Contains a telephone number to call to discuss the billing statement, provide an explanation of any acronyms, abbreviations, and numbers used on the statement, or discuss any payment issues;

(iv) Contains a statement that the insured may call to discuss alternative payment arrangements; and

(v) For billing statements that total an amount greater than two hundred dollars (\$200) over any applicable copayments, coinsurance or deductibles, states, in plain language, that if the insured finalizes a payment plan agreement within forty-five (45) days of receiving the first billing statement and substantially complies with the agreement, the non-participating facility-based physician may not furnish adverse information to a consumer reporting agency regarding an amount owed by the insured. For purposes of this subdivision (c)(1)(C)(v), a patient may be considered out of substantial compliance with the payment plan agreement if the payments are not made in compliance with the agreement for a period of forty-five (45) days.

(3) Nothing in this subsection (c) shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit hospital insurance policies.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3843**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2646 -- Professions and Occupations -- As introduced, limits amount of on-line courses dental hygienists may use to meet biennial continuing education requirement to 25 percent. Amends TCA Section 63-5-107.

On motion, Senate Bill No. 2646 was made to conform with **House Bill No. 2634**.

On motion, House Bill No. 2634, on same subject, was substituted for Senate Bill No. 2646.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2634** passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

Senate Bill No. 2713 -- Highway Signs -- As introduced, "Chief Kenny Feathers Bridge", Bennett's Creek on U.S. 64 in Fayette County.

On motion, Senate Bill No. 2713 was made to conform with **House Bill No. 2705**.

On motion, House Bill No. 2705, on same subject, was substituted for Senate Bill No. 2713.

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House Bill No. 2705 passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2755 -- Highway Signs -- As introduced, "Emmie Robertson Memorial Highway", segment of State Route 242 in Lawrence County.

On motion, Senate Bill No. 2755 was made to conform with **House Bill No. 3500**.

On motion, House Bill No. 3500, on same subject, was substituted for Senate Bill No. 2755.

House Bill No. 3500 passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Southerland moved that **Senate Bill No. 2847** be placed on the Calendar for Thursday, April 22, 2010, which motion prevailed.

Senator Kyle moved that **Senate Bill No. 3361** be placed on the Calendar for Thursday, April 15, 2010, which motion prevailed.

Senate Bill No. 3516 -- Highway Signs -- As introduced, "Tallent Bridge", U.S. Highway 27 in Rhea County.

On motion, Senate Bill No. 3516 was made to conform with **House Bill No. 3023**.

On motion, House Bill No. 3023, on same subject, was substituted for Senate Bill No. 3516.

House Bill No. 3023 passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron,

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Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 2216** was recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator McNally, Senate Bill No. 2216 was withdrawn from the Senate.

MOTION

Senator Norris moved that the Proposed Schedule, as amended, for the week of April 12, 2010, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
106th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE, AS AMENDED
FOR THE WEEK OF APRIL 12, 2010**

MONDAY – April 12

2:30 p.m. – 5:00 p.m.	General Welfare, Health & Human Resources Committee
5:00 p.m.	Session – Senate Chamber

TUESDAY – April 13

8:30 a.m. – 12:30 p.m.	Judiciary Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Finance, Ways & Means Committee
3:30 p.m. – 5:00 p.m.	Tax-Sub Committee

WEDNESDAY – April 14

8:30 a.m. – 12:00 noon	Commerce, Labor & Agriculture Committee
12:00 noon – 1:00 p.m.	Lunch
1:00 p.m. – 3:00 p.m.	Government Operations Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

THURSDAY – April 15

9:00 a.m.	Session – Senate Chamber
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NOTE: Select Oversight Committee on Long Term Care, Monday, April 12, 2010, at 2:30 p.m., Room 31 LP.

The following committee is closed:
Education Committee

The following committees will not meet:
Environment, Conservation & Tourism Committee
State and Local Government Committee
Transportation Committee

MOTION

On motion of Senator Johnson, his name was added as prime sponsor of **Senate Joint Resolution No. 944**.

On motion of Senators Black and Tracy, their names were added as sponsors of **House Joint Resolutions Nos. 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987 and 989**.

On motion of Senator Black, her name was added as sponsor of **House Joint Resolution No. 988**.

On motion of Senators Henry and McNally, their names were added as sponsors of **House Joint Resolution No. 991**.

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 995**.

On motion of Senators Black and Tracy, their names were added as sponsors of **House Joint Resolutions Nos. 996 and 1001**.

On motion of Senator Jackson, his name was added as sponsor of **House Joint Resolution No. 1002**.

On motion of Senators Henry and Jackson, their names were added as sponsors of **House Joint Resolution No. 1003**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bill No. 2643; and House Joint Resolution No. 1004**.

On motion of Senators Black, Yager, Burks and Beavers, their names were added as sponsors of **Senate Joint Resolution No. 715**.

On motion of Senators Bunch and Watson, their names were added as sponsors of **House Joint Resolution No. 754**.

On motion of Senator Watson, his name was added as sponsor of **Senate Bill No. 3516**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 908**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Bill No. 3622**.

On motion, all Senators' names were added as sponsors of **Senate Bill No. 2755; Senate Joint Resolution No. 761; and Senate Resolution No. 209**.

THURSDAY, APRIL 8, 2010 -- 79TH LEGISLATIVE DAY

ENGROSSED BILLS

April 8, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2643, 2767, 3686 and 3843; and Senate Joint Resolutions Nos. 715, 761, 911, 912 and 944; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2813, 3651 and 3753; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3514. The House lifted the tabling motion, reconsidered Senate Bill No. 3514, reconsidered and withdrew House Amendment No. 1 and repassed Senate Bill No. 3514 on third and final consideration.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1009, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1039; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

THURSDAY, APRIL 8, 2010 -- 79TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1040, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 444, 2827, 3212, 3725, 3726 and 3841; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 906, 907, 908, 909 and 910; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 944, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

April 8, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 444, 2584, 2585, 2827, 3140, 3212, 3514, 3590, 3725, 3726 and 3841; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

April 8, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 906, 907, 908, 909, 910 and 944; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

THURSDAY, APRIL 8, 2010 -- 79TH LEGISLATIVE DAY

ENROLLED BILLS

April 8, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 209, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3309 and 3420, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 754, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 991, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004 and 1040; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

April 8, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 906, 907, 908, 909, 910 and 944.

SIGNED

April 8, 2010

The Speaker announced that he had signed the following: Senate Resolution No. 209.

SIGNED

April 8, 2010

The Speaker announced that he had signed the following: House Bills Nos. 2395, 2521, 2670, 3309, 3420, 3969 and 3977.

SIGNED

April 8, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 754, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 991, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004 and 1040.

THURSDAY, APRIL 8, 2010 -- 79TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 8, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 906, 907, 908, 909, 910 and 944; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 8, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 619, 2390, 2429, 3339 and 3671; and Senate Joint Resolutions Nos. 903 and 904; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 9, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 906, 907, 908, 909, 910 and 944; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

April 8, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 871, 880, 881, 882, 883, 884, 885, 887, 888, 889, 891, 892, 893, 894, 896, 898, 900, 901, 902, 903, 904 and 917; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

April 9, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 619, 1553, 2429, 2480, 2607, 2975, 3359, 3522, 3579, 3671, 3807 and 3859; with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

THURSDAY, APRIL 8, 2010 -- 79TH LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 12, 2010: Senate Joint Resolutions Nos. 913, 914, 915, 916, 918, 919, 920, 921 and 922; and House Joint Resolutions Nos. 1006, 1008 and 1021.

This the 8th day of April, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 12, 2010: Senate Bills Nos. 2482, 2552, 2955, 3065, 3255, 3275, 3321, 3540 and 3727; Senate Joint Resolutions Nos. 798, 886 and 890; and House Joint Resolutions Nos. 906 and 961.

This the 8th day of April, 2010.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 12, 2010: Senate Joint Resolutions Nos. 698, 897 and 784; and Senate Bills Nos. 1444, 2198, 2465, 2606, 2867, 3194, 3257, 3304, 3311, 3346, 3392, 3484, 3519, 3627, 3804, 3828 and 3875.

This the 8th day of April, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 12, 2010: Senate Bills Nos. 3894, 3731 and 3362.

This the 8th day of April, 2010.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 5:00 p.m., Monday, April 12, 2010, which motion prevailed.